

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT
WESTERN DIVISION

LAWRENCE E. RUSSELL and MARY J.
RUSSELL,

PLAINTIFF

v.

HOWMEDICA OSTEONICS, CORP.,

DEFENDANT.

CIVIL ACTION NO. 5:06CV4078

**HOWMEDICA OSTEONICS CORP.'S MOTION TO EXCLUDE
THE TESTIMONY OF MARI S. TRUMAN**

Defendant, Howmedica Osteonics Corp. ("Howmedica Osteonics" or "defendant"), by counsel, moves this Court to exclude the testimony of Mari S. Truman, plaintiffs' causation expert, pursuant to Federal Rule of Evidence 702 and *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993) and its progeny. Ms. Truman's opinions are not based on sound methodology and are not supported by objective, verifiable evidence, which would assist the trier of fact. A brief in support is tendered with this motion.

Dated: January 22, 2008

Robert M. Connolly
STITES & HARBISON, PLLC
400 West Market Street
Suite 1800
Louisville, KY 40202-3352
Telephone: (502) 587-3400
Facsimile: (502) 587-6391

/s/ Alan E. Fredregill
Jeff W. Wright
1128 Historic 4th Street
P.O. Box 3086
Sioux City, Iowa 51102
Telephone: (712) 255-8838
Fax: (712) 258-6714

COUNSEL FOR DEFENDANT

CERTIFICATE OF SERVICE

The undersigned certifies that on January 22, 2008, a copy of the foregoing instrument was filed electronically. Notice of this filing will be sent automatically to all parties who are registered users of the Court's electronic case filing (ECF) system. Parties may access this filing through the Court's system.

/s/ Alan E. Fredregill
